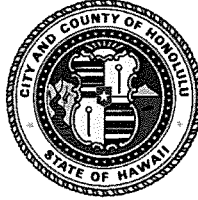


PLANNING COMMISSION
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8007 • FAX: (808) 768-6743
DEPT. WEB SITE: www.honoluluudpp.org • CITY WEB SITE: www.honolulu.gov

KIRK CALDWELL
MAYOR



December 15, 2013

KA'IULANI K. SODARO, Chair
CORD D. ANDERSON, Vice-Chair
GAYLE PINGREE
RODNEY KIM
JAMES C. PACOPAC
ARTHUR B. TOLENTINO
DANIEL S. M. YOUNG
STEVEN S. C. LIM
DEAN HAZAMA

RECEIVED
CITY CLERK
CITY OF HONOLULU
2013 DEC 19 AM 10:42

The Honorable Ernest Y. Martin, Chair
and Members
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

Dear Chair Martin and Councilmembers:

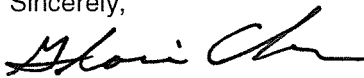
SUBJECT: Request for Amendments to Chapter 21, Revised Ordinances of Honolulu 1990
(The Land Use Ordinance), Relating to Interim Planned Development Permits for
Transit-Oriented Development within Close Proximity to Future Rail Stations

The Planning Commission held a public hearing on December 4, 2013 on the above subject matter. One person testified in support and no written testimony was received. The public hearing was closed on December 4, 2013.

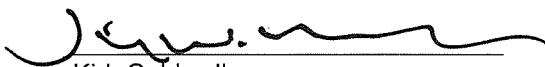
The Planning Commission voted unanimously on December 4, 2013 to accept the recommendation of the Director of the Department of Planning and Permitting to approve the proposed amendments to the Land Use Ordinance, relating to interim planned development permits for transit-oriented development in close proximity to future rail stations.


Attached is the report from the Director of the Department of Planning and Permitting and the original copy of the draft Bill.

Sincerely,

for 
Ka'iulani K. Sodaro, Chair
Planning Commission

APPROVED:


Kirk Caldwell
Mayor


Ember Lee Shinn
Managing Director

KKS:gct
Attachments

APPROVED:


George I. Atta, FAICP, Director
Department of Planning and Permitting

Authorization George I. Atta
Advertisement November 27, 2013
Public Hearing December 4, 2013

DEPARTMENT OF PLANNING AND PERMITTING

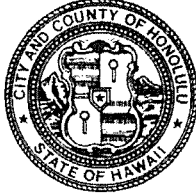
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813

PHONE: (808) 768-8000 • FAX: (808) 768-6041

WEB SITE: www.honolulu.gov • CITY WEB SITE: www.honolulu.gov

KIRK CALDWELL
MAYOR



GEORGE I. ATTA, FAICP
DIRECTOR

ARTHUR D. CHALLACOMBE
DEPUTY DIRECTOR

November 15, 2013

MEMORANDUM

TO: Ka'iulani K. Sodaro, Chair
and Members of the Planning Commission

FROM: *George I. Atta*
George I. Atta, FAICP, Director
Department of Planning and Permitting

SUBJECT: Request for Amendments to Chapter 21, Revised Ordinances of Honolulu 1990
(the Land Use Ordinance) Relating to Interim Planned Development Permits for
Transit-Oriented Development Within Close Proximity to Future Rail Stations.

Transmitted for appropriate action is our report and draft bill for a proposed amendment to the Land Use Ordinance (LUO) relating to an interim for transit-oriented development (TOD) within close proximity to future rail stations. The proposed LUO amendment will create a new permit (the Interim Planned Development-Transit Permit) to define a regulatory path for catalytic TOD projects prior to the adoption and implementation of the neighborhood TOD plans and TOD development regulations. The proposed amendments will provide a new, interim permit process to facilitate creative development and redevelopment in transit-enhanced neighborhoods within close proximity to future rail stations.

We have attached a staff report, existing zoning maps showing the rail station areas, and a draft bill. We are happy to answer any questions you may have concerning this matter during the public hearing.

GIA:nw

Attachments

cc: Mayor Kirk Caldwell
Managing Director Ember Lee Shinn
City Council

RECEIVED
(EK)
13 NOV 18 P 3:25
DEPT. OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

LUO AMENDMENT 2013 RELATING TO INTERIM PLANNED DEVELOPMENT PERMITS FOR TRANSIT- ORIENTED DEVELOPMENT WITHIN CLOSE PROXIMITY TO FUTURE RAIL STATIONS.

Staff Report

I. Background

As the Honolulu Rail Transit Project (HTRP) moves forward, several of the agencies in the City and County of Honolulu are preparing to meet the future demands for their goods and services. The Department of Planning and Permitting (DPP) is preparing neighborhood transit-oriented development (TOD) plans, zoning map amendments, and amendments to Revised Ordinances of Honolulu (ROH) Chapter 21, the Land Use Ordinance (LUO) for review and approval by the City Council. These plans and code amendments will set the stage for transit-enhanced neighborhoods, with mixed-use developments, multi-modal transportation options, a wide range of housing types, and robust economic opportunities along the rail corridor.

Currently, neighborhood TOD plans are at the “public review draft” or “final draft” stage for 14 of the 19 rail station areas within City and County jurisdiction. When the final drafts are completed, the plans and code amendments will be transmitted to City Council. Until that time, all development must follow existing code requirements. These plans will establish a broad vision for each of the station areas. Once they are adopted by the City Council, LUO amendments establishing a TOD special district in the station areas will follow. These LUO amendments will include new stricter regulations in some sections of the code and allow more leniency in other sections. It will also establish special district permits and a planned development process for larger innovative projects. Until these amendments are adopted, however, all development must follow existing code requirements, and the process of adopting the new legislation is a long and iterative one.

Some developers and landowners have contacted the DPP to express interest in projects that are close to future rail stations and consistent with the goals and objectives of TOD, but are currently constrained by development standards of the LUO, like height and density limits, use restrictions, and parking regulations. For this reason, the DPP is proposing a new permit process which would facilitate catalytic TOD projects prior to the implementation of the neighborhood plans, zoning maps, and LUO amendments.

II. Interim Planned Development – Transit

The DPP is proposing to establish an interim permit that will be in place until the neighborhood TOD plans and LUO amendments have been adopted. The proposed permit will be called an Interim Planned Development-Transit (IPD-T). The IPD-T permit will be designed allow flexibility from existing LUO requirements for zoning lots in close proximity to future rail stations. To establish the permit, the draft bill delineates proposed changes to Article 2 (Administration and Enforcements) and Article 9 (Special District Regulations) of the LUO. In Article 2, the permit will be added to the existing list of permits and procedures. The changes to Article 9 will provide specific details relating to the permit in the context of the HTRP and TOD.

III. Establishing the Permit Process in Article 2

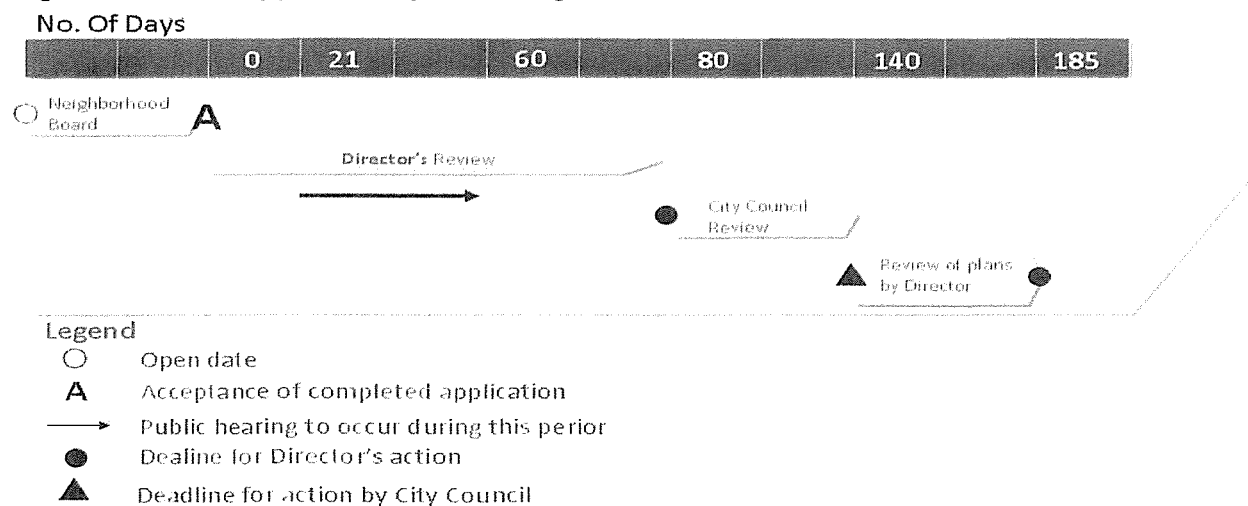
The IPD-T will follow the basic processing guidelines of the Planned Development–Resort (PD-R) and Planned Development-Apartment (PD-A) permits already in use in the

Waikiki Special District (WSD). The purpose of the planned development process is to provide opportunities for creative redevelopment not possible under a strict adherence to the development standards of the LUO. The IPD-T permit will follow the same review process as the PD-R and PD-A permits, except under our proposal, the IPD-T projects will not be required to be reviewed by the Design Advisory Committee.

This section also establishes the timeframe for review. Prior to submitting an IPD-T application to the DPP, the Applicant must present the project to the respective neighborhood board(s) and have a pre-application meeting with the DPP. At this meeting, the DPP will be looking for project compliance with any neighborhood TOD plans that have made it at least to the public review draft stage. After the DPP receives a complete application, the Director of the DPP and staff planners will analyze the application, conduct a public hearing, and transmit a report and recommendation to the City Council. Upon reviewing the conceptual plan, the City Council may (by resolution) approve the plan in whole or in part, with or without conditions or modifications, or deny the application. Upon addressing the City Council's conditions, the Applicant will submit the final project plan to the DPP for review and approval.

Once City Council's decision has been rendered in the form of an adopted resolution, the Applicant must address any conditions placed on the approval and resubmit the revised, detailed plans to the DPP. The DPP will analyze the revised plans to ensure compliance with the adopted resolution through a special district permit process. The timing for the entire process is summarized in the Figure 1.

Figure 1: Permit application processing time



Several large projects in Waikiki have successfully used this process. The Hilton Hawaiian Village Master Plan (2011) and Outrigger Beach Walk (2002) are two examples of projects that followed this process with exceptional results. We believe this is the best available method which offers a high degree of design flexibility for landowners, developers, planners and architects, allows for public input, and includes ample opportunities for project review and negotiation by the DPP and City Council. In the next section we will detail the types of flexibility we are proposing to offer and the public benefits the City could expect.

IV. Establishing the Project Requirements

We are proposing to add a subsection in Article 9, which relates to TOD special districts. The new subsection will be titled, "Section 21-9.100-5 Interim Planned Development-Transit (IPD-T) Projects". The following explains this subsection in detail to illustrate how the proposed IPD-T permit will work in practice.

The first paragraphs of the section will establish the purpose of the IPD-T permit, which is to provide opportunities for creative, catalytic redevelopment projects within the rail corridor. These projects would not be possible under a strict adherence to the development standards of the LUO, especially before the TOD neighborhood plans and LUO amendments for the future TOD special districts are adopted.

a. Eligibility. This section establishes which zoning lots and projects qualify for the permit. Essentially, zoning lots must be:

- Within one quarter-mile of the future rail stations,
- At least 20,000 square-feet,
- In the State Land Use Urban District,
- In the Apartment, Apartment Mixed Use, Business, Business Mixed Use, Resort, Industrial, or Industrial Mixed Use Districts. Put another way, lots in the Residential, Country, Preservation, and Agricultural Districts do not qualify.

We have attached existing zoning maps which show the proposed station footprint, the rail alignment, a quarter-mile buffer around the station, existing zoning districts, and existing height limits, where applicable. Any zoning lots within the buffer, or partially within the buffer that meet the other requirements are eligible for the IPD-T

This section also has a "sunset clause" for the interim permit. It states that once a neighborhood TOD plan and LUO amendments have been adopted for a certain station area, the zoning lots within that station area will no longer be eligible for this permit.

b. Standards for Review. This section spells out the attributes of a quality project that City Council and the DPP will be looking for when reviewing the projects. It informs the developer that the City and County will not "give away flexibility for free". We think the projects which offer the greatest benefits should be entitled to the greatest flexibility. The policy goals are expressed in this section of the code. Projects will be assessed for the following qualities:

- Has a positive, robust economic impact;
- Improves transit ridership and the use of multi-modal transportation;
- Contributes to open spaces and parks; and
- Provides a mix of housing and unit types, including affordable housing, and a range in the number of bedrooms provided.

The flexibility granted to the Applicant will be directly related to the types and scale of community benefits proposed in the project. The more of these community benefits an Applicant proposes, the more flexibility they are likely to get. We are proposing to allow flexibility to promote project attributes that may be overlooked because they do not contribute to the profitability of a project or they may not financially "pencil-out".

However, if the Applicant can request to modify development standards through this process, they may be able to free up assets to provide more project enhancements, like affordable housing, a dedicated public gathering place, or a new bicycle lane. Through this process, we can assess the scale of the project, the modifications that are being requested, and determine the level of public benefits that would be commensurate to those modifications. In other words, more community benefits will be expected of a high-rise, mixed-use development seeking height and density bonuses, than a smaller-scale apartment building in the A-2 Medium Density Apartment District that is seeking to add a commercial use on the ground floor.

This section also requires that project proposals must be generally consistent with any neighborhood TOD plans that are at least at the “public review draft” stage. The purpose of this interim planned development permit is to grant flexibility through a rigorous review process prior to the adoption of the neighborhood TOD plans and LUO amendments for the TOD special districts. A similar permit will be available to land owners and developers who seek flexibility after the neighborhood TOD plans and LUO amendments are completed. When those projects come in, part of the review process will be to compare the neighborhood TOD plans with the proposal. If the proposal diverges significantly from the plan for the neighborhood, it would give the DPP and City Council the opportunity to seek modifications of the proposal, as needed. In the absence of adopted plans, it is reasonable to require the Applicant to review the information and goals of the draft plans and explain how the proposal is in conformance with the draft plans that have been presented and are available to the public.

- c. Use Regulations. In this section, the types of uses that should be allowed in each zoning district are laid out. We recommend allowing any of the uses permitted in the BMX-4 Central Business Mixed Use District to be established in the project areas, with the exception of hotels and transient vacation units, which should not be allowed if the lot is in the Apartment, Apartment Mixed Use, Industrial, or Industrial-Commercial Mixed Use zoning districts. The BMX-4 Central Business Mixed Use District allows a wide range of commercial and residential uses. Such a mix of uses is appropriate in the area surrounding a station because it creates a community in which people can live, do all their errands, and enjoy a nice meal, all without having to drive to another neighborhood. Also, an applicant’s proposal will be widely reviewed at the neighborhood board, within the DPP, and at City Council, so if their proposed use is wildly inappropriate for the area, there is ample opportunity to review it, condition the approval, or deny the proposal.
- d. Site Development and Design Standards. This is the section that delineates the standards for development and design that will be reviewed under the IPD-T; it is the section that spells out how much flexibility an Applicant can seek. Knowing the types of community benefits the City Council has deemed necessary, an Applicant would refer to this section for examples of development standards the City might be “willing to trade” to achieve those benefits. The most significant areas for flexibility in this section are height, density, and parking.
 - 1. Density. The maximum permitted density tells a developer how much floor area may be developed on the lot, based on the zoning district and the size of the lot. Density is expressed as floor area ratio (FAR), which is measured as the total floor area (the square-footage of all the floors of all the buildings on a lot, with a few exceptions) divided by the area of the lot. Put another way, to determine how large a building can be on a certain lot, the lot area is multiplied by the FAR

in the LUO. For example, if a lot is 10,000 square feet, and the FAR for the lot is 2.5, the total floor area of the lot cannot exceed 25,000 square feet (10,000 x 2.5 = 25,000).

We are proposing to allow the FAR to be doubled, where warranted by the community benefits offered in the proposed development. The absolute cap would be a FAR of 7.5, which is the existing maximum FAR in the BMX-4 Central Business Mixed Use District. The existing and proposed FAR potential is summarized in Table 1. Many of the zoning districts show an FAR range. This is because density in the Apartment and Apartment Mixed Use Districts increases as the lot size increases. Similarly, in the Business and Business Mixed Use Districts, FAR bonuses are available in exchange for open space and arcades. The following table shows the range of potential densities for each zoning district, assuming a minimum lot size of 20,000 square feet.

Table 1: Existing and Proposed Maximum Density Allowances

| Zoning District | Existing FAR Range | 100% FAR Increase |
|---|---------------------------|--------------------------|
| A-1 Low Density Apartment | 0.7 – 0.9 | 1.4 – 1.8 |
| A-2 Medium Density Apartment | 1.5 – 1.9 | 3.0 – 3.8 |
| AMX-3 High Density Apartment Mixed Use | 2.4 – 2.8 | 4.8 – 5.6 |
| B-1 Neighborhood Business | 1.0 | 2.0 |
| B-2 Community Business | 2.5 – 3.5 | 5.0 – 7.0 |
| BMX-3 Community Business Mixed Use | 2.5 – 3.5 | 5.0 – 7.0 |
| BMX-4 Central Business Mixed Use | 4 – 7.5 | 7.5 |
| I-2 Intensive Industrial | 2.5 | 5.0 |
| I-3 Waterfront Industrial | 2.5 | 5.0 |
| IMX-1 Industrial-Commercial Mixed Use | 1.5 – 2.5 | 3.0 – 5.0 |

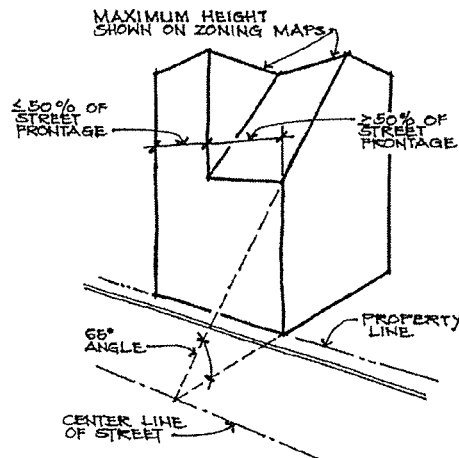
2. Height. For project sites where there is no draft neighborhood TOD plan, we are proposing to allow the maximum height to be doubled, where warranted by the community benefits offered in the proposed development. The absolute limit would be 450 feet, which is the existing maximum height in the BMX-4 Central Business Mixed Use District. Table 2 summarizes the existing and potential height limits for those properties within one-quarter mile of the Aloha Stadium, Pearl Harbor Naval Base, Honolulu International Airport, Lagoon Drive, and Ala Moana Center station areas (the stations without draft neighborhood TOD plans).

Table 2: Existing and Proposed Maximum Height Limits

| Zoning District | Existing Height Range | 100% Height Increase |
|---|-----------------------|----------------------|
| A-2 Medium Density Apartment | 150 | 300 |
| AMX-3 High Density Apartment Mixed Use | 250 | 450 |
| B-2 Community Business | 60 | 120 |
| BMX-3 Community Business Mixed Use | 100 – 250 | 200 – 450 |
| I-2 Intensive Industrial | 60 – 160 | 120 – 320 |
| IMX-1 Industrial-Commercial Mixed Use | 60 – 160 | 120 – 320 |

For those station areas where draft neighborhood TOD plans exist, the height limit specified in the plan will be the maximum height, unless the proposed height in the plan is less than the existing height limit for the property. In that case, the existing (higher) height limit shall govern.

3. Transitional Height and/or Street Setbacks. Height setbacks are often visualized as a diagonal setback and are used to ensure that as a structure increases in height, the bulk of the building gets farther away from the street. Transitional height setbacks are generally used when a Commercial or Industrial zoning district abuts a Residential or Apartment District, to make sure that the bulk of the commercial development does not overwhelm the character of the lower density district. The following figure (Figure 2) illustrates a height setback required in the BMX-4 Central Business Mixed Use District.



For IPD-T projects, we are proposing to allow modifications of the underlying zoning district standards, as long as we find there will not be a negative impact on the surrounding area.

4. Yards. Yards are the open space required between a building and the property line, and are required for the purpose of light and air. For IPD-T projects, we recommend that yards can be modified from the underlying zoning district standards, as long as we find that the character of the street will not be adversely affected, and that there are no adverse noise, light, privacy, or wind impacts.
5. Open Space. Open space is a key component of a healthy transit-enhanced neighborhood. Publicly accessible open spaces, gathering spaces and parks with benches and seating, recreation areas, shaded areas, restrooms, and WiFi service are elements that help create a sense of place and community. We propose that an open space requirement, which is usually stated as a percentage of the development area, not be specified. Rather, the proposed project plan should show quality open space. This allows City Council and the DPP to look for quality over quantity of open space when reviewing the plans. Also, we propose to allow some flexibility in the location of the open space. For example, the Applicant may be able to transfer open space to a different nearby lot or create pedestrian walkways or bridges, streetscape improvements, arcades, or promenades to connect the project site to nearby open spaces. Allowing this flexibility will lead to more creative solutions for open space in lively neighborhoods.
6. Landscaping and screening. We propose to provide flexibility for the landscaping and screening requirements, while including adjacent rights-of-way areas to be reviewed under the project. In other words, like the Waikiki Special District, a developer may be required to improve the streetscape in addition to the zoning lot landscaping. We are particularly interested in street trees and planting strips near the edge of the street, rather than adjacent to the building. This will contribute to a wide sidewalk with space for outdoor cafes, bicycle parking, and other activities. Also, the entrances to the ground floor uses will be right in the middle of the activity, unlike some of our other zoning districts where we require all portions of a required yard to be landscaped except for necessary access ways.
7. Parking and loading standards. One of the most exciting and innovative proposals we are making is to remove parking minimum requirements for IPD-T projects. Rather than looking at the square-footage of the uses in the project and determining the level of parking required by the LUO, developers will be able to look at their project, evaluate the market, and through their own analysis determine the appropriate amount of parking for their development. One of the hallmarks of neighborhoods surrounding rail stations is that transit, bus, bicycle, and foot traffic is so plentiful that personal automobiles become less necessary. We are not suggesting that magically people will stop driving and owning automobiles, but it may be the case that people who live and/or work near rail stations will want fewer cars per family. Also, removing the parking requirement empowers employers or condominium associations to provide other incentives for people to choose alternate modes of transportation, like transit passes or bicycle sharing memberships. Finally, the savings in both money and space

dedicated to parking can be freed up for the exciting revitalization we are seeking in these areas.

8. Bicycle parking. For the first time we are proposing to require bicycle parking in the LUO. We have not proposed a specific number of spaces to be required for this permit, but require that the developers provide both public and residential bicycle parking and show it on the project plans. We are also explicitly stating that space dedicated to the future bicycle sharing program is encouraged. Bicycle usage enhances the goals of multi-modal transportation and neighborhood vitality that we are seeking. While we are giving the Applicant the freedom to propose the number of bicycle parking spaces they deem necessary, we are sending a clear message that some level of bicycle parking is required, and that it must be a decent size, safe, easily accessible, and secure.
9. Signs. Applicants may choose to include a sign plan in their IPD-T application materials. We are proposing to allow some deviation from the strict requirements of the code for signage if the flexibility is used to achieve creative design on a pedestrian scale with TOD-related way-finding signage. If the Applicant does not provide a sign plan, they will be able to apply for signage later in the process, but it will have to meet LUO standards.
- e. Application Requirements. This section spells out the information a complete application must have. In many ways it reiterates that an application must show how the project qualifies for the IPD-T permit, meets the standards for review, and proposes to address the development standards.
- f. Procedures. This section states that the IPD-T permit will be processed in accordance with the Article 2 standards in the LUO and the fee requirements of ROH Chapter 6.
- g. Guidelines for Review and Approval of the Conceptual Plan for a Project. This section spells out when and how the City Council can approve a project. Basically it states that the City Council must make two conclusions before approving a project. The first is that the project, with its range of uses and development flexibility, is consistent with the objectives of TOD, as spelled out in Section 21-9.100-4. (This section states that TOD development goals include a mix of land uses, higher densities, the encouragement of multi-modal transportation, a mix of market-rate and affordable housing, the encouragement of activity at a defined community center, and unique community design themes) The second is that the requested flexibility is commensurate with the public amenities and community benefits proposed.
- h. Deadline for Obtaining Building Permit for Project. This section is very similar to the requirements for PD-R and PD-A developments. It says the City Council approval of the conceptual plan for the project must establish a deadline within which the building permit for the project has to be obtained. Then it gives technical details regarding when and how this deadline can be extended.
- i. Approval by the Director. This section delineates how an Applicant must address the conditions of approval placed on the project by City Council with a follow-up application to the DPP. This application is processed as a special district permit, exactly the way it is for PD-R and PD-A projects. The section goes on to give the Director of the DPP

clear criteria for review and approval of the project based on City Council's approval of the conceptual plan.

V. Conclusion

In summary, there is a need for this new permit type. The planned development process is the appropriate permit process to follow in order to get the information we want and the review time we need. We have constructed the permit to allow maximum flexibility while stating clear objectives and goals to let the development community know what types of development are likely to receive the highest degree of flexibility.

October 28, 2013

2013 DEC 11 AM 11 11
DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

To: Gayle Pingree, Chair
Members of the Planning Commission

From: Lowell Chun, Pacific Catalyst LLC

Subject: TESTIMONY: Bill for an Ordinance:
*Amendments to Chapter 21, Revised Ordinances of the City and County of Honolulu
1990 (the Land Use Ordinance) Relating to Interim Planned Development Permits for
Transit-Oriented Development Within Close Proximity to Future Rail Stations*

Chair Pingree and Members of the Planning Commission:

I am Lowell Chun, a practicing planning and design consultant. I am currently associated with a project being developed by Sam Koo Hawaii in the Ala Moana area, but I am speaking today not on behalf of any project, but as a planning professional with an interest in the timely development of genuinely livable Transit-Oriented Development Neighborhoods in Honolulu.

I'm here to take this opportunity to support the proposed Bill to establish Interim Planned Development Permits for Transit-Oriented Development near Future Rail Stations.

By providing an important transportation choice, Honolulu's rail system now under construction provides an important *transportation* element in support of the City's commitment to the sustainability of its neighborhoods and the lifestyle quality of their residents. The Bill before you today would, in turn, facilitate the timely creation of important elements of those neighborhoods.

We are aware that the City's Transit-Oriented Neighborhood Plans are currently underway and that enabling ordinances will follow. We are also aware that it takes time and lots of dialogue to develop such instruments so that their subject neighborhoods will be shaped and will function as intended, and will properly serve their constituent residents and businesses. As a result, some of the stations serving transit may be completed ahead of these plans and ordinances.

For this reason, we genuinely appreciate DPP's efforts, through the Bill before you today, to facilitate the timely implementation of projects that will help create elements of the transit-oriented neighborhoods that will receive the rail stations, and that will make it possible for these future stations to be received by appropriate and attractive destinations when they are completed. We applaud and support this effort and the document it has produced. We hope for your favorable consideration of this Bill, and respectfully urge your approval of it.

Thank you for the opportunity to present my views.

Sincerely,



Lowell Chun
President
Pacific Catalyst LLC



A BILL FOR AN ORDINANCE

TO AMEND CHAPTER 21, REVISED ORDINANCES OF HONOLULU 1990, AS AMENDED (THE LAND USE ORDINANCE), RELATING TO INTERIM PLANNED DEVELOPMENT PERMITS FOR TRANSIT-ORIENTED DEVELOPMENT WITHIN CLOSE PROXIMITY TO FUTURE RAIL STATIONS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to amend the provisions of the Land Use Ordinance (LUO) pertaining to transit-oriented development (TOD) Special Districts and Planned Development Permits. An Interim Planned Development Transit (IPD-T) permit is being created to define a regulatory path for catalytic TOD projects prior to the adoption and implementation of the individual neighborhood TOD plans and TOD development regulations. The amendments will provide a new, interim permit process to facilitate creative development and redevelopment in transit-enhanced neighborhoods within close proximity to future rail stations.

SECTION 2. Section 21-2.110-2, Revised Ordinances of Honolulu (ROH) 1990, as amended ("Planned development-resort and planned development-commercial projects"), is amended as follows:

"Section 21-2.110-2 Planned development-resort, ~~and~~ planned development-apartment, and interim planned development-transit projects.

- (a) Applications for approval of planned development-resort (PDR), ~~and~~ planned development-apartment (PD-A) projects in the Waikiki special district, and interim planned development-transit (IPD-T) projects shall be processed in accordance with the following subsections.
- (b) Before the submission of an application, the applicant shall first present the proposal to the neighborhood board in whose district the project is to be located. Notice of the presentation, or the applicant's good faith efforts to make such a presentation, shall be given to all owners of properties adjoining the proposed project.

As provided by Section 21-2.40-2(b)(1), before the applicant submits an application, the applicant is encouraged to schedule a pre-application meeting with the department to conduct an informal review of the project. For IPD-T projects, the applicant shall be prepared to discuss how the project can accomplish the goals and objectives of Section 21-9.100-4 and the neighborhood TOD plan for the affected area, if such plan has been released by the director as a public review draft to the community for its review and comment, or is further along in the process of formal adoption as a TOD special district.



A BILL FOR AN ORDINANCE

- (c) Upon acceptance of the completed application by the director, the director shall notify the council of the acceptance, providing the council with the date of the director's acceptance of the application and a brief description of the proposal contained in the application. The director shall hold a public hearing concerning the conceptual plan for the project at a date set no less than 21 nor more than 60 calendar days after the date on which the completed application is accepted, unless the 60-day period is waived by the applicant. This hearing may be held jointly and concurrently with any other hearing required for the same project. The director shall give written notice of the public hearing to the neighborhood board in whose district the project is to be located no less than 15 days prior to the public hearing.

For IPD-T projects, a complete application shall demonstrate how the project achieves consistency with the neighborhood TOD plan for the affected area, if such plan has been released by the director as a public review draft to the community for its review and comment, or is further along in the process of formal adoption as a TOD special district.

- (d) Except for applications for IPD-T projects, t[T]he conceptual plan for the project shall also be presented to the design advisory committee for its appropriate recommendations prior to transmittal of the application to the council for a conceptual plan review and approval.
- (e) Upon conclusion of the public hearing and design advisory committee review (except for IPD-T projects), and not more than 80 days after acceptance of the application, unless the applicant waives the 80-day period, the director shall submit a report and recommendations to the council.
- (f) The council shall approve the application in whole or in part, with or without conditions or modifications, by resolution, or shall deny the application. The council may deny the application by resolution, but if the council does not take final action within 60 days after its receipt of the application, the application shall be deemed denied. The applicant may request, and the council may approve, an extension of time if it is made in writing, prior to the requested effective date of the extension. An application for council approval of a conceptual plan for a PD-R, [or] PD-A, or IPD-T project may be processed concurrently with development plan amendments under Chapter 24, special management area use permits under Chapter 25, and zoning district changes.
- (g) Upon approval of a conceptual plan for the project by the council, the application shall continue to be processed for further detailed review and final approval by the director.



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- (1) The director shall present the detailed plan for the project to the design advisory committee for its recommendation[.], except in the case of IPD-T projects.
 - (2) Within 45 days of council approval, the director shall approve the application in whole or in part, with or without conditions or modifications, or deny the application, with reasons for final action set in writing to the applicant.
 - (3) The applicant may request in writing to the director an extension of time as may be necessary for good cause.
- (h) A final approval by the director shall be considered a major special district permit for the project, notwithstanding that the application has been processed in accordance with this section and not Section 21-2.40-2.

SECTION 3. Article 9, Revised Ordinances of Honolulu 1990, as amended, is amended by adding a new Section 21-9.100-5 to read as follows:

“Section 21-9.100-5 Interim Planned Development – Transit (IPD-T) Projects.

The purpose of the IPD-T permit is to provide opportunities for creative, catalytic redevelopment projects within the rail corridor that would not be possible under a strict adherence to the development standards of the LUO prior to the adoption of the TOD neighborhood plans and/or LUO amendments relating to the future TOD zones (special districts). Qualifying projects must demonstrably exhibit those kinds of attributes that are capable of promoting highly effective transit-enhanced neighborhoods, including diverse employment opportunities, an appropriate mix of housing types, support for multi-modal circulation, and well-designed publicly accessible and useable spaces. Flexibility may be provided for project uses, density, height and height setbacks, yards, open space, landscaping, streetscape improvements, and parking and loading when timely, demonstrable contributions are incorporated into the project benefiting the community, supporting transit ridership, and implementing the vision established in Section 21-9.100-4. Reflective of the significance of the flexibility represented by this option, it is appropriate to approve projects conceptually by legislative review and approval prior to a more detailed administrative review and approval by the department.

Prior to the adoption of TOD special district standards, proposed development on sites with at least portions of an eligible zoning lot that are within no more than one-quarter mile of a future rail station identified in the Honolulu Rail Transit Project (H RTP) Environmental Impact Statement (EIS), accepted by the Governor of the State of Hawaii



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on December 16, 2010, and any future supplemental EISs for the project, may qualify for an IPD-T permit in the interim, provided:

(a) Eligibility. IPD-T projects shall be permitted on zoning lots that meet the following standards:

- (1) A portion of the zoning lot shall be within a one-quarter-mile radius of a planned HRTTP station, as approved by the Honolulu Authority for Rapid Transit. For purposes of this section, the minimum distance requirement shall be measured as the shortest straight line distance between the edge of the station area and the zoning lot line(s) of the project site;
- (2) The minimum project size shall be 20,000 square feet. Multiple lots may be part of a single IPD-T project if all of the lots are under a single owner and/or lessee holding leases with a minimum of 30 years remaining in their terms. Multiple lots in a single project must be contiguous, provided that lots that are not contiguous may be part of a single project if all of the following conditions are met:
 - (i) The lots are not contiguous solely because they are separated by a street or right-of-way; and
 - (ii) Each noncontiguous portion of the project, whether comprised of a single lot or multiple contiguous lots, shall have a minimum area of 20,000 square feet.

When a project consists of noncontiguous lots as provided above, pedestrian walkways or functioning design features connecting the separated lots are strongly encouraged to unify the project site. Multiple lots that are part of an approved single IPD-T project shall be considered and treated as one zoning lot for purposes of the project, provided that no conditional use permit-minor for a joint development of multiple lots shall be required therefore;

- (3) The project site shall be entirely in the state-designated urban district;
- (4) All eligible zoning lots shall be in the apartment, apartment mixed-use, business, business mixed-use, resort, industrial, or industrial mixed-use districts; except that this subdivision shall not apply to landscape lots, right-of-way lots, or other lots utilized for similar utilitarian (infrastructure) purposes; and



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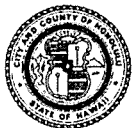
(5) Upon the adoption of a TOD special district and its related development regulations, all zoning lots within that TOD special district shall no longer be eligible for this interim permit, but shall henceforth comply with all applicable TOD special district regulations and requirements enumerated by this Chapter.

(b) Standards for review.

(1) Significant flexibility and the possibility of increased development potential are being made available to eligible IPD-T projects. The degree of flexibility must be commensurate with the contributions that these projects can provide towards the enhancement of highly effective transit-enhanced neighborhoods, particularly as these contributions relate to the success of TOD. The highest degree of flexibility may be authorized by this permit for those projects which demonstrate:

- A. The ability to positively contribute to the economic enhancement of the affected area, particularly with regard to providing a broad mix of uses and diverse employment opportunities; and
- B. The provision of measures and/or facilities to promote a highly functioning, safe, inter-connected, multi-modal circulation system, supporting easy access to, and effective use of the transit system on a pedestrian scale; and
- C. The provision of usable, safe, and highly accessible public accommodations, gathering spaces, pedestrian ways, bicycle facilities, and/or parks; and
- D. An appropriate mix of housing and unit types, particularly affordable and/or rental housing; with qualifying affordable housing being located on the project site or within at least one-half-mile of the same identified transit station as the project site. For purposes of this section, "affordable housing" shall mean housing which is affordable to households earning up to 120 percent of the annual median income for Oahu.

The IPD-T option offers developers opportunities to increase development potential provided equitable contributions that benefit the general public, the transit system, and TOD are demonstrated.



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- (2) IPD-T projects shall be generally consistent with the neighborhood TOD plan for the affected area, if such plan has been released by the director as a public review draft to the community for its review and comment, or is further along in the process of formal adoption as a TOD special district.
- (c) Use Regulations:
- (1) Permitted uses and structures may be any of those uses permitted in the BMX-4 Central Business Mixed-Use District; except that hotels and transient vacation units shall not be permitted on any zoning lot in an apartment, apartment mixed-use, industrial, or industrial-commercial mixed use district, unless it is otherwise in compliance with the standards enumerated by Section 21-5.350; and
- (2) Ground floors and pedestrian accessible spaces should be utilized to the extent feasible for active uses, such as, but not necessarily limited to outdoor dining, retail, gathering places, and pedestrian-oriented commercial activity. These spaces should also provide public accommodations such as, but not necessarily limited to, benches and publicly accessible seating, shaded areas through either trees or built structures, publicly accessible restrooms, trash and recycling receptacles, facilities for recharging electronic devices, publicly accessible telecommunications facilities, and Wi-Fi service.
- (d) Site Development and Design Standards. The standards set forth by this subdivision are general requirements for IPD-T projects. When, in the paragraphs below, the standards are stated to be subject to modification or reduction, such modification or reduction shall be for the purpose of accomplishing a project design consistent with the goals and objectives of Section 21-9.100-4 and this subsection. Also, pursuant to Section 21-9.100-5(b), the modification or reduction in the following standards shall be commensurate with the contributions provided in the project plan, and the project shall be generally consistent with the neighborhood TOD plan for the area.
- (1) Density.
- (A) The maximum floor area ratio (FAR) may be up to twice that allowed by the underlying zoning district or 7.5, whichever is lower; and
- (B) For lots in the B-2, BMX-3, BMX-4, and IMX-1 Districts, the maximum increase shall apply in addition to any eligible density



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bonuses for the underlying zoning district; that is, the increase shall apply to the zoning lot plus any applicable floor area bonuses.

- (2) Height.
 - (A) For project sites where there is no draft neighborhood TOD plan, the maximum building height may be up to twice that allowed by the underlying zoning district, or 450 feet, whichever is lower.
 - (B) Where there is a draft neighborhood TOD plan, the maximum height shall not exceed the maximum height specified in the plan, provided that where existing height limits exceed those in the plans, the existing height limit shall prevail.
- (3) Transitional height and/or street setbacks may be modified where adjacent uses and street character will not be adversely affected.
- (4) Yards shall be as specified by the approved project plan, provided that building placement will not cause adverse noise, sunlight blockage, privacy and/or wind affects to adjacent uses, and street character will not be adversely affected.
- (5) Open Space.
 - (A) Project open space shall be as specified in the approved plan, with a preference for publicly accessible, highly usable parks and gathering spaces rather than buffering or unusable landscaped areas.
 - (B) Where appropriate, usable open space may be:
 - (i) Transferred to another accessible site within the vicinity of the project that shall be utilized as a public park, plaza or gathering place for the affected community; and/or
 - (ii) Provided in the form of connections and/or improvements to nearby open spaces, pedestrian ways or trails, such as, but not necessarily limited to streetscape and intersection improvements, pedestrian walkways or bridges, arcades, or promenades.
- (6) Landscaping and screening shall be as specified in the approved project plans; and, project landscaping shall include adjacent rights-of-way.



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Streetscape landscaping, including street trees and/or planting strips, should be provided near the edge of the street, rather than adjacent to the building, unless infeasible.

- (7) Parking and loading standards shall be as follows:
- (A) The number of parking and loading spaces provided shall be as specified in the approved project plans;
 - (B) Service areas and loading spaces shall be located at the side or rear of the site, unless the size and configuration of the lot renders this infeasible;
 - (C) Vehicular access shall be provided from a secondary street wherever possible and placed in the location least likely to impede pedestrian circulation; and
 - (D) The provision of car-sharing programs and vehicle charging stations is encouraged.
- (8) Bicycle parking shall be accommodated on the project site, subject to the following:
- (A) The number of bicycle parking spaces provided shall be as specified in the approved project plans;
 - (B) Long-term bicycle parking shall be provided for residents of on-site dwelling units in the form of enclosed bicycle lockers or easily accessible, secure and covered bicycle storage;
 - (C) Bicycle parking within enclosed parking structures shall be located as close as is feasible to an entrance of the facility so that it is visible from the street or sidewalk. The provision of a fenced and gated area for secure bicycle parking within the structure is encouraged;
 - (D) Each bicycle parking space shall be a minimum of 15 inches in width and six feet in length, with at least five feet of clearance between bicycle and vehicle parking spaces. Each bicycle must be easily reached and movable without moving another bicycle; and



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- (E) The provision of space for bicycle-sharing stations is encouraged either on the exterior of the building or within a parking structure, provided the area is visible and accessible from the street.
- (9) Signs.
 - (A) Signage may be as specified in the approved project plans. The conceptual sign plan may deviate from the strict sign regulations of this chapter, provided the flexibility is used to achieve good design, compatibility, creativity, consistency, continuity in the utilization of signs on a pedestrian scale; and
 - (B) All projects shall include appropriate measures to accommodate TOD-related way-finding signage, which shall be considered "public signs" for purposes of Article 7.
 - (C) Where signage is not otherwise specified by the approved plans for the project, the project signage shall comply with the underlying sign regulations of this Chapter.
- (e) Application Requirements. An application for approval of a IPD-T project shall contain:
 - (1) A project name;
 - (2) A location map showing the project in relation to the future rail station area and the surrounding area;
 - (3) A site plan showing property lines, the locations of buildings and other major structures, building access and activity zones, the proposed open space and landscaping system, access and circulation for vehicles, bicycles, and pedestrians, bus or trolley stops, and other major activities;
 - (4) A narrative description of the overall development and urban design concept; the general mix of uses; the basic form and number of structures; the relationship of buildings to each other and to the streets, and how that is used to create active public space; the estimated number of proposed dwelling or lodging units, and the proposed mix of housing types; general building height and density; how the project achieves and positively contributes to TOD and transit-enhanced neighborhoods; proposed public amenities and community benefits; the planned development of usable, publicly accessible spaces, accommodations and landscaping; how the



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project supports walking, cycling, and active living; proposals to enhance multimodal circulation and access; proposed off-street parking and loading; and possible impacts on security, public health and safety, infrastructure and public utilities;

- (5) An open space plan, showing the reservation of land for public, semi-public, and private open space, including parks, plazas, playgrounds, an integrated circulation system indicating proposed movement of vehicles, goods, pedestrians, and cyclists within both the project area and adjacent areas, including streets and driveways, sidewalks and pedestrian ways, bicycle lanes, cycle tracks, and multi-use paths, off-street parking, and loading areas;
- (6) A narrative explanation of the project's architectural and urban design relating the various design elements to support pedestrian- and transit-oriented development, and a discussion of any impacts to any cultural or historic resources, as well as any adopted public views.
- (7) Details of the project, including proposed floor area, open space, open space bonuses, and maximum FAR.
- (8) A parking and loading management plan and/or transportation demand management plan; and
- (9) A wind and shadow study to analyze the effects of mid-rise and high-rise structures, particularly anticipated impacts at the ground level. Where adverse impacts are anticipated, mitigative measures shall be included in the proposal.
- (10) Any other information deemed necessary by the director to ascertain whether the project meets the requirements of this section.
- (f) Procedures. Applications for approval of IPD-T projects shall be processed in accordance with Section 21-2.110-2. Fees shall be as enumerated for Planned Development applications in Section 6-41.1(a)(19), Revised Ordinances of Honolulu (ROH).
- (g) Guidelines for Review and Approval of the Conceptual Plan for a Project. Prior to its approval of a conceptual plan for a IPD-T project, the council shall find that the project concept, as a unified plan, is in the general interest of the public, and that:



CITY COUNCIL

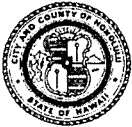
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- (1) Requested project boundaries and requested flexibility with respect to development standards and use regulations are consistent with the objectives of TOD and the provisions as enumerated in Sec. 21-9.100-4; and
 - (2) Requested flexibility with respect to development standards and use regulations is commensurate with the public amenities and community benefits proposed.
- (h) Deadline for Obtaining Building Permit for Project.
- (1) A council resolution of approval for a conceptual plan for a IPD-T project shall establish a deadline within which the building permit for the project shall be obtained. For multiphase projects, deadlines shall be established for obtaining building permits for each phase of the project. The resolution shall provide that the failure to obtain any building permit within the prescribed period shall render null and void the council's approval of the conceptual plan and all approvals issued thereunder; provided that in multiphase projects, any prior phase that has complied with the deadline applicable to that phase shall not be affected. A revocation of a building permit pursuant to ROH Section 18-5.4 after the deadline shall be deemed a failure to comply with the deadline.
 - (2) The resolution shall further provide that a deadline may be extended as follows:
 - (A) The director may extend the deadline if the applicant demonstrates good cause, but the deadline shall not be extended beyond one year from the initial deadline without the approval of the council, which may grant or deny the approval in its complete discretion.
 - (B) If the applicant requests an extension beyond one year from the initial deadline and the director finds that the applicant has demonstrated good cause for the extension, the director shall prepare and submit to the council a report on the proposed extension, which report shall include the director's findings and recommendations thereon and a proposed resolution approving the extension.
 - (C) The council may approve the proposed extension or an extension for a shorter or longer period, or deny the proposed extension, by resolution.



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- (D) If the council fails to take final action on the proposed extension within the first to occur of (i) 60 days after the receipt of the director's report or (ii) the applicant's then-existing deadline for obtaining a building permit, the extension shall be deemed to be denied.
- (E) The director shall notify the council in writing of any extensions granted by the director that do not require council approval.
- (i) Approval by Director. Upon council approval of the conceptual plan for the IPD-T project, the application for the project, as approved in concept by the council, shall continue to be processed by the director as provided under Section 21-2.110-2. Additional documentation may be required by the director as necessary. The following criteria shall be used by the director to review applications:
- (1) The project shall conform to the approved conceptual plan and any conditions established by the council in its resolution of approval;
 - (2) The project also shall implement the objectives, guidelines and standards of Section 21-9.100-4 and this section;
 - (3) The project shall contribute significantly to the overall desired urban design of TOD areas;
 - (4) The project shall demonstrate a pedestrian system, publicly accessible spaces and accommodations, landscaping and other amenities which shall be integrated into the overall design of the project, and shall enhance the pedestrian experience between the project and surrounding TOD areas;
 - (5) The project shall involve a broad mix of uses and/or other characteristics which support the economic development and vitality of the affected TOD enhanced neighborhood; and/or include an appropriate mix of housing types, particularly affordable housing and rental housing; and
 - (6) The parking management plan or transportation demand management plan shall support transit ridership and alternative modes of travel and minimize impacts upon public streets where possible."



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SECTION 4. Ordinance material to be repealed is bracketed. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the ROH, the revisor of ordinances need not include the brackets, the bracketed material, or the underscoring.



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SECTION 5. This ordinance shall take effect upon its approval.

INTRODUCED BY:

DATE OF INTRODUCTION:

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20 _____.

Kirk Caldwell, Mayor
City and County of Honolulu